
ENVIRONMENTAL Fact Sheet



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Compensatory Mitigation Information and Checklist

For permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Env-Wt 800, unless exempted by Env-Wt 302.03(c). Criteria in Env-Wt 501.02(a) provide details about information to be submitted with your application.

In general, an applicant is required to provide compensatory mitigation if the project meets any of the following criteria:

- The project will result in 10,000 square feet or greater of permanent wetland impact.
- The project will alter the course of or disturb 200 linear feet or more of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbance to the channel and each of the banks.
- The project involves construction of a pond with more than 20,000 square feet of impact in a wetland or surface water.
- The project involves only the installation of accessory docking structures or the construction of new shoreline structures and breakwaters, or includes such work in combination with other qualifying criteria, provided the resulting dock surface area of all new shoreline structures on the frontage is less than 2,000 square feet.

Compensatory mitigation is required to replace or protect wetland functions and values that are impacted by the project. Please demonstrate how you have reviewed all of the following four options:

1) **Upland Buffer Preservation** means an area of land that is contiguous to an aquatic resource and contributes to the functions and values of that resource. For this to be acceptable by DES, the land must be protected through a conservation easement or transfer of fee simple ownership to an acceptable agency or organization. Please demonstrate that the following organizations have been consulted that include state natural resource agencies, land trusts, watershed associations, and regional planning commissions.

2) **Wetland Restoration** means the re-establishment of a filled, dredged, or drained wetland to its historic condition, so as to restore lost functions to the greatest extent practicable, by removal of fill, restoration of hydrology to the area, or by such other means necessary.

3) **Wetland Creation** means the transformation of upland to wetland at a site where upland was not created by human activity such as by filling or water diversion.

4) **Payment** in-lieu of the three options above after they have been considered and determined not feasible. Payment is provided to the Aquatic Resource Mitigation Fund if the project will fill less than one acre of wetlands or will impact up to three acres if it is a public roadway or public utility project.

Mitigation Checklist

For projects that require mitigation, the Standard Dredge and Fill application shall be considered administratively complete when a Preliminary Mitigation Package is submitted with the following items:

_____ An **explanation** of which of the mitigation options is/are being proposed for compensatory mitigation.

_____ **Wetland creation**

_____ **Wetland restoration**

_____ **Upland buffer preservation**

_____ **Payment to Aquatic Resource Mitigation Fund**

_____ A plan showing the general location of the proposed mitigation site.

_____ A functional assessment of the impacted jurisdictional area(s).

_____ A functional assessment of the proposed mitigation site.

_____ A completed agreement form signed by the applicant and noting the date when a complete mitigation proposal will be submitted to DES. The agreement form is attached to this checklist.

Where **upland buffer preservation** is proposed:

_____ A draft report that documents the current property conditions.

_____ A summary of the conservation values and goals.

Where **wetland restoration or creation** is proposed:

_____ A summary of the proposed measures.

For a compensatory mitigation *proposal* to be deemed complete, the applicant shall consult DES rules Env-Wt 800, which requires additional information to be submitted such as the following items:

For projects that involve **upland buffer preservation**:

_____ Final baseline documentation report of the land proposed for protection, which describes current property conditions and includes photographs.

_____ A copy of the proposed conservation easement language or language noting conveyance of fee simple ownership.

_____ A surveyed plan showing the location of the proposed conservation area boundaries.

_____ A statement from the proposed grantee indicating that the proposed grantee will accept the easement or fee simple deed.

For projects that involve wetland restoration or creation:

_____ Explain how the proposal creates hydrologic conditions or land connections that will produce the desired wetland functions or values to be restored or created.

_____ Detailed plans with existing and proposed grades, predicted water fluctuations, and proposed wetland cover types.

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_____ A planting proposal, source of soils to be used, erosion controls to be installed, and an invasive species control plan if applicable.

For projects that will provide payment into the Aquatic Resource Mitigation Fund:

_____ Describe what other forms of mitigation were considered and why they are not feasible.

_____ Request DES to calculate a payment amount.

For More Information

For more information, please contact the DES Wetlands Bureau at (603) 271-2147 or wetmail@des.state.nh.us, or go on-line to www.des.nh.gov/wetlands.